

REMARKS/ARGUMENTS

I. Introduction:

Claims 1, 11, 21, and 22 are amended, claims 7 and 17 are canceled, and claims 23 and 24 are added herein. With entry of this amendment, claims 1-6, 8-16, and 18-24 will be pending.

II. Claim Rejections – 35 U.S.C. 102 and 103:

Claims 1, 3, 11, 13, 21, and 22 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,126,907 (Carpini et al.). Claims 4-9 and 14-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini et al. in view of U.S. Patent Application Publication No. 2004/0125745 (Dang et al.).

Carpini et al. disclose a label switched communication network which uses secondary LSPs as a backup to a primary LSP. Each LSP is established on a different communication path. In contrast to applicants' invention, Carpini et al. utilize two different LSPs, which require signaling of the secondary LSP. Rather than sending traffic of an LSP over one or more secondary components links assigned to the same LSP, as set forth in the claims, Carpini et al. route traffic over a new LSP. Applicants' invention provides a reduction in signaling messages since only a single LSP is used so that a switchover can be performed locally.

In order to further clarify the invention, claims 1, 11, 21, and 22 have been amended to specify wherein sending traffic of said LSP over said one or more secondary component links comprises assigning lower priority to traffic of said LSP compared to other traffic carried by said one or more secondary component links, as set forth in original dependent claim 7.

With regard to the limitation of claim 7, the Examiner cites Dang et al., which describe a two-stage reconnect system for re-routing a connection through a network. As noted at paragraph [0037], each head node may maintain a priority for each connection.

Using this priority, connections are categorized into “high priority connections” and “low priority connections”. For each high priority connection, a fully constrained alternate connection is configured. When a failure occurs, the high priority connections are switched to the pre-configured fully constrained alternate connections. For the remaining low priority connections, the connections are switched to reduced constraint connections.

Dang et al. do not show or suggest assigning a lower priority to traffic compared to other traffic carried by one or more secondary component links. The priority of the traffic of Dang et al. is not changed when it is rerouted. Furthermore, the rerouted traffic is not distinguished from traffic already carried on the alternate connections.

Accordingly, claims 1, 11, 21, and 22, as amended, are submitted as patentable over the cited references.

Claims 2-6, 8-10, and 23-24, depending either directly or indirectly from claim 1, and claims 12-16 and 18-20, depending either directly or indirectly from claim 11, are submitted as patentable for at least the same reasons as their base independent claims.

Claims 2 and 12 stand rejected as being unpatentable over Carpini et al. in view of IETF Draft “Link Bundling in MPLS Traffic Engineering”, Kompella et al.

In rejecting claims 2 and 12 the Examiner refers to Kompella et al., which describe link bundling. As noted above, Carpini et al. do not use link bundling, and therefore require characteristics of a communication path to be advertised to other nodes. Modification of Carpini et al. to eliminate advertisement of communication path information would render the system nonfunctional, since this information is required to set up the primary LSP and secondary LSPs, which are a central part of the Carpini et al. invention.

Claims 10 and 20 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Carpini et al. in view of Dang et al. and U.S. Patent Application Publication No. 2004/0052207 (Charny et al.).

The Charny et al. patent application was published on March 18, 2004 and is assigned to Cisco Technology, Inc., which is the same assignee as the subject patent application.

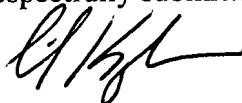
The American Inventors Protection Act (AIPA) amended 35 U.S.C. § 103(c) to exclude subject matter developed by another person which qualifies as prior art under Section 102(e), provided that this subject matter and the claimed invention were commonly owned at the time the claimed invention was made. This amendment to Section 103(c) applies to patent applications filed on or after November 29, 1999. (American Inventors Protection Act of 1999, Pub. L. No. 106-113, Sec. 4807(b)). The subject patent application was filed after November 29, 1999 and the invention was commonly owned with the subject matter of the Charny et al. patent application at the time the invention was made.

Accordingly, claims 10 and 20 are submitted as patentable.

III. Conclusion:

For the foregoing reasons, Applicants believe that all of the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 399-5608.

Respectfully submitted,



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